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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,018	02/05/2002	Mariana Benitez Pelaez	42430-10579	7221
47377	7590	11/14/2005	EXAMINER	
JENNER & BLOCK LLP ONE IBM PLAZA CHICAGO, IL 60611			JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/068,018	PELAEZ ET AL.	
	Examiner	Art Unit	
	Prenell P. Jones	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 5-7, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al (US PAT 6,826,173 B1) in view of Beyda (US PAT 5,768,347).

Regarding claims 1 and 7, Kung discloses a communication system that identifies multimedia calls, wherein there exist a first terminal user and second terminal users associated with a plurality of different users, detection means for determining called user's/second user availability to except call/multimedia call content (Abstract, col. 2, line 21-67, col. 3, line 2-10), gateway/head-end hub/multimedia server (multimedia mail system) configured to manage and store multimedia mail messages/calls, (col. 5, line 17-22, col. 6, line 1-5, col. 11, line 4-56, col.

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11, line 27-37, col. 13, line 44-55), and a multimedia gateway is configured to monitor and negotiate bandwidth and make adjustments according to users selected QoS (col. 18, line 26-63). Kung is silent on storing multimedia message in a multimedia mail system until second user retrieves it. However, in a communication system that communicates and manages multimedia contents, Beyda discloses message stored until retrieved by called party/second user (col. 1, line 12-20, line 44-65, col. 4, line 44-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement allowing multimedia data to be stored until called party is ready for it as taught by Beyda with the teachings of Kung for the purpose of further managing multimedia communication between users.

Regarding claims 5 and 12, as indicated above, Kung discloses managing the communication of multimedia message mail. Kung further discloses communicating multimedia mail messages wherein multimedia server is configured to support HTML (col. 11, line 27-37, col. 13, line 44-55).

Regarding claims 6 and 10, as indicated above, Kung discloses managing the communication of multimedia message mail. Kung further discloses a camera coupled to a user device (Fig. 1, 3, 4, col. 10, line 66 thru col. 11, line 10).

4. Claims 2-4, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al (US PAT 6,826,173 B1) in view of Beyda (US PAT 5,768,347) as applied to claims 1 and 7 above, and further in view of Zylka (US PAT PUB 2003/0068154 A1).

Regarding claims 2, 3, 8 and 9, as indicated above, Kung and Beyda discloses managing the communication of multimedia message mail. However, Kung and Beyda are silent on utilizing a PDA in the communication of multimedia message mail. In a communication system that manages the communication of multimedia message mail, Zylka discloses a management of multimedia content in a wireless environment that utilizes communicating multimedia data with respect to PDA and personal/hand-held computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement utilizing multimedia data with media devices such as PDA and computers as taught by Zylka with the combined teachings of Kung and Beyda to further manage the communication of multimedia content data.

Regarding claims 4 and 11, as indicated above, Kung and Beyda discloses managing the communication of multimedia message mail. However, Kung and Beyda are silent on utilizing downloading and streaming as associated with multimedia data. In a communication system that manages the communication of multimedia message mail, Zylka discloses a management of multimedia content in a wireless environment that utilizes communicating multimedia data with respect to downloading and streaming multimedia data content (paragraphs 15 and 19). Therefore, it would have been obvious to one of ordinary skill in the art the time of the invention to be motivated to implement streaming and downloading as taught by Zylka with the combines teachings of Kung and Beyda for the purpose of further communicating multimedia data contents between users.


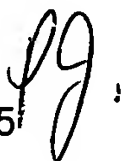
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chief Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

November 8, 2005



CHIEH M. FAN
PRIMARY EXAMINER